

Tuesday, December 04, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Supervisor Hill: requests to hear Item No. 18 as the first item of the day.

The Board re-arranges the Agenda to hear Item No. 18 as the first item on the Agenda.

Motion by: Adam Hill
Second by: Frank R. Mecham

| SUPERVISORS | AYES | NOES | ABSTAIN | RECUSE |
|-----------------------------------|------|------|---------|--------|
| Patterson, James R. (Chairperson) | | x | | |
| Teixeira, Paul (Vice Chairperson) | x | | | |
| Mecham, Frank R. (Board Member) | x | | | |
| Gibson, Bruce S. (Board Member) | x | | | |
| Hill, Adam (Board Member) | x | | | |

Hearings:

18. A hearing, continued from November 13, 2012, to consider a request by the County of San Luis Obispo to amend Agriculture Element Policies AGP 20, 22 and 23, amend the San Luis Obispo Area Plan, and amend Title 22 (the Land Use Ordinance) and Title 23 (the Coastal Zone Land Use Ordinance) of the County Code regarding agricultural cluster land divisions. All Districts.

Board Members: outline their reasons for continuing the hearing, including various concerns with the proposed ordinance regarding the need for further evaluation on the density bonus for more flexibility; the distance between agricultural clusters from urban reserve lines; the impacts to water supply, property rights and lot sizes; the adequacy of the economic analysisand how it should be used for proposed ordinance changes; establishing a more effective notification process for public hearings; and the need for additional opportunities for public involvement, including the participation from various planning representatives that have been involved with agricultural cluster projects.

Mr. Dan Buckshi - County Administrator: clarifies if this hearing is continued to the next Strategic Planning Session, it will not be a noticed hearing but a study session only.

Chairperson Patterson: opens the floor to public comment.

Ms. Carol Richardson, Ms. Sandi Tannler, Mr. Bill Pelfrey, Mr. Josh Friedman, Ms. Andrea Seastrand, Mr. Victor Montgomery, Ms. Elsa Dawson, Ms. Gayle Bickford, Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB), Ms. Quintana Ambrosie, Ms. Jamie Kirk, Mr. Doug Filipponi, Ms. Suzie Anderson, Ms. Robin Lee, Mr. Randall Jordan, Mr. Donald Cross, Ms. Laurie Alexiev, Ms. Kathy Longacre, Mr. Eric Greening, Mr. Carl Linn, Mr. Roger Hansen, Mr. Dennis Law - Attorney representing Victor Montgomery and Keith Gurnee, Ms. Janice Nelson, Ms. Kathy Lambeth, Mr. David Leader, Mr. Ted Gilbert, Ms. Courtney Kienow - San Luis Obispo Chamber of Commerce, Ms. Lyne Bloomfield, Ms. Jeanne Edwards, Ms. Laura Mordaunt, Mr. Mike Sparrow, Mr. George Sullivan, Ms. Joyce Albright, Ms. Terri Stricklin, Mr. Edward Veek, Mr. Jerry Balint, Mr. John Teixeira, Mr. Mike Passegger, Mr. Will Woolley, Mr. Jack Nageleisen, Ms. Julie Tacker, Mr. Steve Johns - San Luis Obispo County Cattleman's Association, Ms. Nancy Forrest, Ms. Sandy Jack, Ms. Susan Harvey - North County Watch, Ms. Lisa Bodrogi - Central Coast Winegrowers Association (handout), Mr. Stan House and Ms. Sandra Caughell: speak.

Mr. Jason Giffin – Planning and Building Director: outlines the process at the next Strategic Planning Session will be to establish where this item fits on their list of priorities.

The Board continues the hearing off-calendar, with a status update at the next Strategic Planning Session on February 19, 2013.

Motion by: Adam Hill
Second by: Frank R. Mecham

| SUPERVISORS | AYES | NOES | ABSTAIN | RECUSE |
|-----------------------------------|------|------|---------|--------|
| Patterson, James R. (Chairperson) | x | | | |
| Teixeira, Paul (Vice Chairperson) | x | | | |
| Mecham, Frank R. (Board Member) | x | | | |
| Gibson, Bruce S. (Board Member) | x | | | |
| Hill, Adam (Board Member) | x | | | |

Consent Agenda – Review and Approval:

1-14. This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 14 on the following vote is indicated for each item.

Motion by: Frank R. Mecham
Second by: Paul Teixeira

| SUPERVISORS | AYES | NOES | ABSTAIN | RECUSE |
|-----------------------------------|------|------|---------|--------|
| Patterson, James R. (Chairperson) | x | | | |
| Teixeira, Paul (Vice Chairperson) | x | | | |
| Mecham, Frank R. (Board Member) | x | | | |
| Gibson, Bruce S. (Board Member) | x | | | |
| Hill, Adam (Board Member) | x | | | |

Consent Agenda - Administrative Office Items:

1. Request to approve a memorandum of agreement (Clerk'sFile) for County participation in the federal Integrated Public Alert Warning System. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Submittal of a resolution amending the position allocation list for the Office of Emergency Services by deleting one Administrative Assistant series position and replacing it with one Administrative Analyst Aide position.

Ms. Sandra Santini: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-304, adopted.

Consent Agenda - Board of Supervisors Items:

3. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

4. Request to: 1) approve a resolution for a conservation easement in Nipomo; 2) approve a deed of conservation easement to the Land Conservancy of San Luis Obispo County on 28.9 acres for purpose of mitigation for the Willow Road Extension Project and preservation of riparian habitat and 3) approve a lease amendment with Dana Adobe Nipomo Amigos, Inc. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-305,

adopted.

5. Request to approve creation of a Parks capital project to repave the Marina and White Oak boat launch parking lots, refurbish a fish cleaning station, remove overhead power lines, and install a solar power system at the White Oak restrooms of Santa Margarita Lake. District 5.

The Board approves as recommended by the County Administrative Officer.

6. Request to approve creation of a capital project to install County standard cabling at the leased facility located at 3563 Empleo Street in San Luis Obispo for the Department of Social Services. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

7. Request to approve a contract (Clerk's File) with San Miguel Joint Unified School District for Fiscal Year 2012-13 in the amount not to exceed \$10,000 to provide drug and alcohol prevention counseling services to students within their School District.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

8. Request to approve an updated County Family Care and Medical Leave Policy.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Library Items:

9. Request to amend the memorandum of understanding between the County and the Atascadero Friends of the Library to extend the Friends' fundraising timeline, from December 29, 2012 to June 29, 2013, for their half of the estimated net project cost for the purchase and tenant improvements at 6555 Capistrano Avenue in Atascadero. District 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

10. Submittal of a resolution approving an agreement establishing restrictions and obligations for real property adjusted by lot line adjustment COAL 09-0038 with Law Family Vineyards, LP, a Colorado Limited Partnership. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-306, adopted.

Consent Agenda - Public Works Items:

11. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of Willow Road between Hetrick Avenue and Thompson Avenue and the Willow Road Interchange with State Highway 101 near Nipomo, Contract No. 300129/300142; Federal No. FHWA Q101(189). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-307, adopted.

12. The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for lot line adjustment COAL 10-0064, a proposed lot line adjustment resulting in 3 lots by Rio Vista Ranch LLC, east of Atascadero. District 5.

The Board approves as recommended by the County Administrative Officer.

13. Request approval to use remaining USDA grant funds on the recommended work items, County

Service Area 23 Santa Margarita; authorize the Director of Public Works to execute a USDA Grant Agreement; and authorize a budget adjustment in the amount of \$250,000 to increase the appropriation and associated funding. District 5.

This item is amended by adding Schedule A to the USDA grant agreement. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Public Works - Board Sitting as Flood Control District:

14. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the Rodriguez Bridge Waterline Crossing Fish Passage Improvements Project, Arroyo Grande, Contract No. 300369. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-308, adopted.

Presentations:

15. Submittal of a resolution recognizing State Park Superintendent Andrew Zilke for over 39 years of dedicated service to the citizens of San Luis Obispo County and the State of California.

Chairperson Patterson: reschedules the presentation to Tuesday, December 18, 2012. **No action taken.**

Public Comment Period:

16. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Ms. Elizabeth Kavanaugh - Parks: announces a community workshop regarding the Northern Salinas River Trail Master Plan on December 10, 2012 from 6:00 PM to 8:00 PM at the Templeton Community Center.

Mr. Rick London - San Luis Obispo County United Way Chief Executive Officer (CEO): presents a video celebrating United Way's 125th Anniversary.

Mr. Tom Dawson: addresses various concerns regarding the National Fisheries Plan.

Ms. Linde Owen, Ms. Julie Tacker, Mr. Ben DiFatta, Ms. Andrea Seastrand, Mr. David Leader, Mr. Bill Pelfrey, Ms. Sandra Tannler, Ms. Elsa Dawson, Ms. Laura Mordaunt, Mr. Kevin Rice, Ms. Lyne Bloomfield and Ms. Laurie Alexiev: express various concerns regarding to the relationship between Supervisor Gibson and his Legislative Assistant. Additionally, Ms. Owen (photographs), Mr. DiFatta and Ms. Gwynn Taylor: speak to the Los Osos Wastewater Project (LOWWP). Ms. Owen, comments on KCBX broadcasting Board of Supervisor meetings and Ms. Mordaunt, addresses issues regarding the proposed seismic studies near Diablo Canyon Nuclear Power Plant.

Dr. C. Hite: address concerns regarding the Board of Supervisors meetings, which will no longer be available by radio, during the time when the Board will be addressing important issues.

Mr. Dane Senser: discusses concerns relating to employers violating California Labor Laws.

Mr. Eric Greening: urges the Board to hold a study session regarding the impacts of low energy seismic studies near the Diablo Canyon Power Plant.

Ms. Quintana Ambroise: comments on the recent North County Greenhouse Planning Session in Templeton.

Ms. Katrina Dolinsky: speaks to lack of action to protect the health of citizens from Particulate Matter (PM) 10 on the Nipomo Mesa and South County Area.

Ms. Sue Schimandle: addresses the need to establish additional public notification methods to affected property owners for upcoming hearings.

Supervisor Gibson and Chairperson Patterson: ask staff to speak to the process that was followed when they became aware of the relationship between Supervisor Gibson and his Legislative Assistant, with Ms. Rita Neal -

County Counsel responding. **No action taken.**

Board Committee Updates:

17. This is the time set for Board Members to report on various committee activities.

Chairperson Patterson: reschedules this item to the next meeting on Tuesday, December 11, 2012. **No action taken.**

Closed Session Items:

19. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Bay Area/Diablo Petroleum Co., dba Golden Gate Petroleum v. County of San Luis Obispo, et al.; 2. Dubbink v. County of San Luis Obispo; 3. Concerned Landowners in the Paso Robles Groundwater Basin v. County of SLO.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. Unrepresented Management and Confidential Employees; 7. SLOCPPOA; 8. SLOCEA-Public Services, Supervisors, Clerical; 9. Deputy Sheriff's Association; 10. DAIA; 11. SLOCEA-Trades and Crafts; 12. Sheriffs' Management; 13. SLOCPMPOA; 14. DCCA.

Chairperson Patterson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 04, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: December 17, 2012